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MAILED

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OFFICE OF PETITIONS

In re Application of  
Larsson et al.  
Application No. 10/596,683  
Filed: June 21, 2006  
Attorney Docket No. P18752-US1

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 24, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 25, 2009. It is noted that on June 26, 2009, petitioner responded with an amendment including a 5-month extension of time. The response, however, was untimely since the statutory period for reply ended on June 24, 2009 at midnight. An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Consequently, a Notice of Abandonment was mailed July 21, 2009. On August 3, 2009, the present petition was filed.

The petition is found to satisfy the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) an adequate statement of unintentional delay.

Since the \$2,350 extension of time fee submitted on June 26, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

This application is being referred to Technology Center 2617 for appropriate action in the normal course of business on the amendment received June 26, 2009.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059. Inquires relating to further prosecution should be directed to the Technology Center.

/SDB/

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions